

**BARBERING & COSMETOLOGY EXAMINING BOARD  
MINUTES  
MADISON, WISCONSIN  
APRIL 2, 2001**

**PRESENT:** Barbara Flaherty, Karen Kraus, Leon Lauer, Marvile Martin, Bruce Bennett, Laura Jenkins, Lorraine Norem, and Denise Svetly

**EXCUSED:** Danny Trotter

**STAFF PRESENT:** Alfred Hall, Jr, and Jan Neitzel; Bill Dusso and Members of Division of Enforcement Staff were present for portions of the meeting

**CALL TO ORDER**

The meeting was called to order at 9:36 a.m. by Barb Flaherty, Chair, upon confirmation that the public notice was timely given. A quorum of 8 members was present.

**AGENDA**

**MOTION:** Leon Lauer moved, seconded by Denise Svetly, to approve the agenda as published. Motion carried unanimously.

**MINUTES (02/05/01)**

**MOTION:** Leon Lauer moved, seconded by Laura Jenkins, to approve the minutes as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Acting Secretary William J. Conway**

Mr. Hall reported that the new Secretary, Oscar Herrera, started working at the Department April 2, 2001. Secretary Herrera was unable to attend the meeting because of a scheduling conflict and will be present at the June 4, 2001 Board meeting.

**Bureau Director's Report**

- Board Roster

Several changes were made to the December 2000 roster.

Leon Lauer requested a list of E-mail addresses for members of the Wisconsin Assembly.

- 2001 Meeting Dates

Noted.

Karen Kraus will not be available for the June 4, 2001, meeting. Ms. Kraus will participate by telephone.

Lorraine Norem will not be at the June 4, 2001, meeting. Ms. Norem will not be available by telephone.

- Regulatory Digest Draft

Mr. Hall discussed the articles that will be included in the September 2001 Regulatory Digest Draft.

Mr. Hall will invite an IRS representative at a future board meeting to address the effect of a booth or chair lease contract upon the employee and employer relationship.

Denise Svetly recommended including an article relating to J-tip anesthesia in the September 2001 Regulatory Digest.

The Board requested a list of actions taken by the Board be presented at the June 4, 2001, Board meeting.

- To-Pass Folder

There were no articles for the To-Pass Folder.

- Stipulations

Mr. Hall discussed the changes in procedure for presentation of stipulations. The presentations will be made during the Open Session of the meeting. (Reference to March 20 e-mail from William Dusso to Becky Fry) Stipulations will be presented in open session to allow the prosecuting attorney or the case advisor to answer questions or clarify the stipulation. The stipulation will identify to what extent the case advisor or the prosecuting attorney may participate in the discussion, deliberation and voting on the stipulation

## **LEGISLATIVE UPDATE**

### **Status of LRB 2591/1 – Relating to Education Requirements for Barber, Cosmetologist, Barber Manager, Cosmetologist Manager, Aesthetician, Electrologist and Manicurist Licenses**

The Board members recommended legislators who could be contacted to sponsor the bill relating to education requirements for barber cosmetologist, barber manager, cosmetologist manager, aesthetician, electrologist and manicurist licenses.

Karen Kraus and Barb Flaherty are the Board contacts for legislative issues.

Judy Mender explained the legislative proposal would authorize the department to approve barbering and cosmetology schools located in another state who meet our educational requirements.

The Board requested that “as approved by the department,” be added to s. 440.61(1), Stats., to say “schools regulated or approved by the technical college system board and as approved by the department.”

Bill Dusso, who was substituting for John Schweitzer, arrived at this point.

**Status of LRB 2592/1 – Relating to Eligibility Requirements for Licenses Granted by the Barbering and Cosmetology Examining Board and Disciplinary Action Taken By the Board**

The Board discussed “substantially related,” as it applies to the proposed legislation and agreed that each disciplinary action will be evaluated on an individual basis.

The Board agreed to inform applicants that it reviews for approval or denial all applications with felony convictions.

Denise Svetly will be the Board contact for LRB 2592/1.

The Board will contact representatives Cheryl Albers, Dale Schultz, and Carol Rozwell for help on this bill.

**AB-224 Exempts shampooing from definition of Barbering or Cosmetology**

The Board agreed that more clarification is needed relating to AB-224, as it relates to exempting from licensure certain persons performing shampooing and as it relates to identifying the minimum number of training hours for earning a shampooing certificate.

Mr. Hall stated that members of the Board may attend the legislative committee meeting to voice their concerns.

The Board requested that a letter to Representative Bonnie Ladwig be drafted by the Department for Barbara Flaherty’s signature, expressing the Board’s opposition to the bill in the current form, as well as the Board’s concerns and recommendations.

**MOTION:** Leon Lauer moved, seconded by Marvile Martin, to oppose Assembly Bill 224. Motion carried unanimously.

**MOTION:** Denise Svetly moved, seconded by Leon Lauer Martin, to send a letter to Representative Bonnie Ladwig, identifying the Board’s opposition to Assembly Bill 224, regarding engaging in shampooing outside of a licensed establishment, repealing “shampooing” from the definition of barbering and cosmetology” and recommendations for a shampooing certificate syllabus. Motion carried unanimously

The Board would like to review the changes to the bill when they are made.

The Board requested that Mr. Hall invite Representative Ladwig to the June 4, 2001, meeting to discuss the issues related to Bill 224.

## **ADMINISTRATIVE RULES**

### **Proposed Rules**

Copies of the minutes of the last meeting of the Rules Advisory Committee, as well as the rule drafts were handed out and the Board deferred action on the following items until its June 4, 2001, meeting.

- Revision of Intermediate and Low Level Disinfection Rules

The Board will discuss revision of the rules relating to the definitions of intermediate and low level disinfection.

- Change of Rule Regarding Booth or Chair Rental At the Same Location

Nothing to report.

- Waiver of Manager Requirements For Establishments Having Difficulties Actively Recruiting Managers

Nothing to report.

- Issuing and Processing Citations for Disciplinary Forfeitures

Nothing to report.

Prohibited Use of Methyl Methacrylate (MMA)

Mr. Hall will have the requested information relating to Methyl Methacrylate at the June 4, 2001, meeting.

## **BOARD MEMBER ACTIVITY**

### **Strategic Plan Follow-up – Planning for the Future**

The Board reviewed the strategic plan follow-up and noted the items that have not been discussed.

### **Recommendations of the Manicurists, Aestheticians and Electrologists Scope of Practice Committee**

A follow-up meeting of the Manicurists, Aestheticians and Electrologists Scope of Practice Committee is needed before the Board can proceed on the recommendations.

## **PRACTICE ISSUES**

### **Continuing Education**

Karen Kraus is conducting a survey on continuing education in the Milwaukee area and will share the results with the Board.

The Board requested that a sub-committee be formed to establish guidelines for continuing education for the barber/cosmetology profession.

### **APPRENTICESHIP PROGRAM**

Bruce Bennett requested statistics relating to the number of apprentices that are currently in the program, have completed the program, and have not completed the program within the last year.

### **EXAMINATION ISSUES**

#### **Wisconsin and National Pass Rates on Manicurist and Aesthetician Examinations**

Darwin Tichenor was not available.

#### **Plans for Practitioner Workshops**

Darwin Tichenor was not available.

### **DIVISION OF ENFORCEMENT**

Nothing to report.

### **LEGAL COUNSEL REVIEW OF PHONE INQUIRIES**

Nothing to report.

### **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

#### **Revised Definitions from the American Electrologist Association Relating to Definition of Disinfection**

Mr. Hall has received the “Revised Definitions from the American Electrologist Association Relating to Definition of Disinfection.”

### **NEW BUSINESS**

Mr. Hall stated he will be sending information received in between meetings by E-mail to the Board members and requested members check their E-mail for this information.

### **PRESENTATION OF PROPOSED STIPULATIONS BY PROSECUTOR**

DOE staff presented the following stipulations: Hung V. Bui d/b/a Cheri Nails (Pewaukee, WI), Jo Ann M. Kulasiewicz (West Allis, WI), Vicky Maynard (Milwaukee, WI), Regis Corporation d/b/a Regis Salon #4889 (Minneapolis, MN), Thespo Sotirin (Brookfield, WI), Linda Vanaacken (Wauwatosa, WI), and Shirley A Weber (Brookfield, WI). The Board will deliberate on these stipulations in Closed Session and will vote on them in Open Session.

## **RECESS TO CLOSED SESSION**

**MOTION:** Leon Lauer moved, seconded by Marvile Martin, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, stipulations, deliberation on stipulations that may be signed after printing of the agenda and deliberation on proposed disciplinary actions that may be signed after printing of agenda. Motion carried by a roll call vote: Bruce Bennett-yes; Laura Jenkins-yes; Karen Krause-yes; Leon Lauer-yes; Marvile Martin-yes; Lorraine Norem-yes; Denise Svetly-yes; and Barbara Flaherty-yes.

Open Session recessed at 12:24 p.m.

## **CLOSED SESSION**

The Board deliberated on case closings, stipulations, and disciplinary actions. All case advisors for stipulations left the room during the Board deliberations related to their stipulations.

## **ADJOURN CLOSED SESSION**

By consensus, the Board reconvened in Open Session at 1:20 p.m.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

### **CASE CLOSINGS**

**MOTION:** Leon Lauer moved, seconded by Denise Svetly, to close the following cases presented by the Division of Enforcement. Motion carried unanimously.

00 BAC 001 No violation  
00 BAC 100 Insufficient evidence  
99 BAC 079 P3

### **STIPULATIONS**

By consensus, the Board requested the Division of Enforcement include in all future proposed stipulations that the case advisor is allowed to participate in closed session deliberations and vote on the stipulation.

### **Hung V. Bui d/b/a Cheri Nails (Pewaukee, WI)**

Bruce Bennett was the case advisor and left the room during deliberation.

**MOTION:** Leon Lauer moved, seconded by Karen Kraus, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter involving the stipulation for Hung V. Bui. Motion carried, with Bruce Bennett abstaining.

**Jo Ann M. Kulasiewicz (West Allis, WI)**

Leon Lauer was the case advisor and left the room during deliberation.

**MOTION:** Karen Kraus moved, seconded by Denise Svetly, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter involving the stipulation for Jo Ann M. Kulasiewicz. Motion carried, with Leon Lauer abstaining.

**Vicky Maynard (Milwaukee, WI)**

Leon Lauer was the case advisor and left the room during deliberation.

**MOTION:** Leon Lauer moved, seconded by Lorraine Norem, to accept the Stipulation, Findings of Fact, Conclusion of Law and Order in the matters involving the stipulation for Vicky Maynard. Motion carried, with Leon Lauer abstaining.

**Regis Corporation d/b/a Regis Salon #4889 (Minneapolis, MN)**

Leon Lauer was the case advisor and left the room during deliberation.

**MOTION:** Karen Kraus moved, seconded by Lorraine Norem, to accept the Stipulation, Findings of Fact, Conclusion of Law and Order in the matters involving the stipulation for Regis Corporation d/b/a Regis Salon #4889. Motion carried, with Leon Lauer abstaining.

**Thespo Sotirin (Brookfield, WI)**

Leon Lauer was the case advisor and left the room during deliberation.

**MOTION:** Leon Lauer moved, seconded by Denise Svetly, to accept the Stipulation, Findings of Fact, Conclusion of Law and Order in the matters involving the stipulation for Thespo Sotirin. Motion carried, with Leon Lauer abstaining.

**Linda Vanaacken (Wauwatosa, WI)**

Leon Lauer was the case advisor and left the room during deliberation.

**MOTION:** Karen Kraus moved, seconded by Denise Svetly, to accept the Stipulation, Findings of Fact, Conclusion of Law and Order in the matters involving the stipulation for Linda Vanaacken. Motion carried, with Leon Lauer abstaining.

**Shirley A. Weber (Brookfield, WI)**

Leon Lauer was the case advisor and left the room during deliberation.

**MOTION:** Karen Krause moved, seconded by Denise Svetly, to accept the Stipulation, Findings of Fact, Conclusion of Law and Order in the matters involving the stipulation for Shirley A. Weber. Motion carried, with Leon Lauer abstaining.

**Deliberation on Proposed Stipulations, Administrative Warnings and/or Disciplinary Actions That May Be Signed After Printing of Agenda**

**Carmella Jenkins**

Barb Flaherty was Case Advisor and left the room during deliberation.

**MOTION:** Leon Lauer moved, seconded by Karen Kraus, to accept the Stipulation, Findings of Fact, Conclusion of Law and Order in the matters involving the stipulation for Carmella Jenkins. Motion carried, with Barb Flaherty abstaining.

**ADMINISTRATIVE WARNINGS**

**Kelly P. Dang d/b/a Nails U Luv**

The Division of Enforcement submitted a draft administrative warning proposed to be issued in the matter of Kelly P. Dang d/b/a Nails U Luv under the authority of sec. 440.205, Stats.. The draft included findings required under sec. RL 8.03, Wis. Adm. Code.

**MOTION:** Leon Lauer moved, seconded by Karen Kraus, to issue the administrative warning as proposed in the draft to Kelly P. Dang d/b/a Nails U Luv. Motion carried unanimously.

**Paroc, Inc. d/b/a Fantastic Sams**

The Division of Enforcement submitted a draft administrative warning proposed to be issued in the matter of Paroc, Inc. d/b/a Fantastic Sams under the authority of sec. 440.205, Stats.. The draft included findings required under sec. RL 8.03, Wis. Adm. Code.

**MOTION:** Denise Svetly moved, seconded by Karen Kraus, to issue an administrative warning as proposed in the draft to Paroc, Inc, d/b/a Fantastic Sams. Motion carried, with Bruce Bennett abstaining.

**ADJOURNMENT**

**MOTION:** Leon Lauer moved, seconded by Lorraine Norem, to adjourn the meeting at 1:37 p.m. Motion carried unanimously.